

REMARKS

§ 132(a) Objection

The Examiner objected to the amendment filed January 9, 2009 under 35 U.S.C § 132(a), because the amendment allegedly introduced new matter into the disclosure. Specifically, the Examiner suggested that the recitation of “a collision predicting unit”, “a first winding control unit”, “a second winding control unit”, “a winding motor release control unit”, and “a brake detecting unit,” recited in claim 1 constituted new matter. See Office Action, page 2, first paragraph.

Regarding the term “a collision predicting unit”, which was objected to by the Examiner, Applicant has amended claim 1 to read “a collision predicting device”. The last paragraph on page 2 of the specification of the filed application discloses that a “collision predicting means may be configured to have, for example, a radar device . . . to predict the collision.” As agreed during the telephonic interview of August 6, 2009, the as-filed disclosure supports the use of the term “a collision predicting device” recited in the currently-amended claim 1.

Regarding the term “a brake detecting unit,” which was objected to by the Examiner, Applicant has amended claim 1 to read “a brake detecting device”. The last paragraph on page 12 and the first paragraph on page 13 of the specification of the filed application disclose the use of a “brake pedal sensor 44. . . for detecting a pressing amount of the brake pedal” and, alternatively, the use of a “brake pedal pressing force sensor 45 for detecting a brake pedal pressing force.” As agreed during the telephonic

interview of August 6, 2009, the as-filed disclosure supports the use of the term “a brake detecting device” found in the currently-amended claim 1.

Regarding the other terms of claim 1 that were objected to by the Examiner, Applicant has amended claim 1 to replace the terms “first winding control unit”, “second winding control unit”, and “winding motor release control unit” with the term “microcomputer”, as suggested by the Examiner. As agreed during the telephonic interview of August 6, 2009, the term “microcomputer” and the corresponding claimed functionality find support throughout the specification of the filed application.

Because the current amendments to the claims find support in the specification of the filed application, Applicant requests withdrawal of the § 132(a) objection.

Informalities

The Examiner objected to claims 1, 2, and 9 because of informalities. Specifically, the Examiner objected to the use of the phrases “only one winding motor” and “the one winding motor”. See Office Action, page 2, second paragraph.

Applicant has amended claims 1, 2, and 9, as suggested by the Examiner, to replace these objected-to phrases with the respective phrases “a winding motor” and “the winding motor”. Accordingly, Applicant requests withdrawal of the objection to claims 1, 2, and 9.

§ 112 Rejection

The Examiner rejected claims 1-13, 19, and 20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner suggested that the use of the terms “a collision predicting unit”, “a first

winding control unit”, “a second winding control unit”, “a winding motor release control unit”, and “a brake detecting unit,” which purportedly were unsupported in the specification of the filed application, allegedly rendered the claims non-compliant with the written description requirement. In addition, the Examiner suggested that claims 2 and 13 lacked antecedent basis for the term “emergency braking detecting unit,” thereby also allegedly rendering claims 2 and 13 non-compliant with the written description requirement. See Office Action, page 3.

As described above with respect to the § 132(a) objection, Applicant has amended claims 1-13, 19, and 20 to replace the objected-to phrases with phrases approved by the Examiner, and supported by the as-filed disclosure. In addition, Applicant has amended claims 2 and 13 to replace the phrase “emergency braking detecting unit” with the phrase “brake detecting device,” which finds antecedent support in claims 1 and 9, respectively. As agreed during the telephonic interview of August 6, 2009, these amendments overcome the § 112 rejection of claims 1-13, 19, and 20.


The Examiner did not reject any claims over prior art, and stated that the §103(a) rejections from the Office Action of January 9, 2009 have been withdrawn. Thus, the withdrawal of the §132 objection, the §112 rejection, and the informality objections, as agreed during the telephonic interview of August 6, 2009, should place this application in condition for allowance. In view of the foregoing amendments and remarks, Applicant requests reconsideration of the application, and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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